

109TH CONGRESS  
2D SESSION

# S. 3794

To provide for the implementation of the Owyhee Initiative Agreement, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2006

Mr. CRAPO introduced the following bill; which was read twice and referred  
to the Committee on Energy and Natural Resources

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## A BILL

To provide for the implementation of the Owyhee Initiative  
Agreement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Owyhee Initiative Implementation Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purpose.
- Sec. 3. Definitions.
- Sec. 4. General provisions.

TITLE I—OWYHEE INITIATIVE AGREEMENT

- Sec. 101. Implementation.
- Sec. 102. Science review program.
- Sec. 103. Conservation and research center program.
- Sec. 104. Authorization of appropriations.

## TITLE II—WILDERNESS AND WILD AND SCENIC RIVERS

- Sec. 201. Wilderness designation.
- Sec. 202. Designation of wild and scenic rivers.
- Sec. 203. Administration of wilderness and wild and scenic rivers.
- Sec. 204. Land exchanges and acquisitions and grazing preferences.
- Sec. 205. Authorization of appropriations.

## TITLE III—TRANSPORTATION AND RECREATION MANAGEMENT

- Sec. 301. Transportation plans.
- Sec. 302. Authority.
- Sec. 303. Cooperative agreements.
- Sec. 304. Authorization of appropriations.

## TITLE IV—CULTURAL RESOURCES

- Sec. 401. Findings.
- Sec. 402. Implementation.
- Sec. 403. Authorization of appropriations.

### 1   **SEC. 2. FINDINGS; PURPOSE.**

2           (a) FINDINGS.—Congress finds that—

3                   (1) the Owyhee-Bruneau Canyonlands Region is  
 4           one of the most spectacular high deserts in the  
 5           United States, unique in geology and rich in history;

6                   (2) the Shoshone Paiute Indian tribes have put  
 7           forth claims to aboriginal rights in the Region;

8                   (3) since the 1860s, ranching has been an im-  
 9           portant part of the heritage, culture, and economy  
 10          of the Region;

11                  (4) the Region has tremendous opportunities  
 12          for outdoor recreation;

13                  (5) there has been longstanding conflict over  
 14          management of the public land in the Region;

1           (6) in 2001, the Owyhee County Board of Com-  
2           missioners and the Tribes brought together a diverse  
3           group of interests, with the intent that the Tribes  
4           and the County, through government-to-government  
5           coordination, could mutually launch a process for  
6           achieving resolution of land use conflicts, protection  
7           of the landscape resource, protection of cultural re-  
8           sources, and economic stability; and

9           (7) as a result of the process described in para-  
10          graph (6), the Owyhee Initiative Agreement, an  
11          agreement between a coalition of representatives of  
12          landowners, ranchers, environmental organizations,  
13          County government, and recreation groups ap-  
14          pointed in the County by the Board of County Com-  
15          missioners, was formed to develop a natural re-  
16          sources project that promotes ecological and eco-  
17          nomic health within the County.

18          (b) PURPOSE.—The purpose of this Act is to provide  
19          for the implementation of the Owyhee Initiative Agree-  
20          ment to—

21               (1) preserve the natural processes that create  
22               and maintain a functioning, unfragmented landscape  
23               that supports and sustains a flourishing community  
24               of human, plant, and animal life;

- 1           (2) provide for economic stability by preserving  
2       livestock grazing as an economically viable use; and  
3           (3) provide for the protection of cultural re-  
4       sources.

5 **SEC. 3. DEFINITIONS.**

6       In this Act:

- 7           (1) BOARD.—The term “Board” means the  
8       Board of Directors of the Owyhee Initiative Project.  
9           (2) BUREAU.—The term “Bureau” means the  
10      Bureau of Land Management.  
11          (3) COUNTY.—The term “County” means  
12      Owyhee County, Idaho.  
13          (4) ORDINARY HIGH WATER MARK.—The term  
14      “ordinary high water mark” shall have such mean-  
15      ing as is given the term by the legislature of the  
16      State.  
17          (5) OWYHEE FRONT.—The term “Owyhee  
18      Front” means that area of the County from Jump  
19      Creek on the west to Mud Flat Road on the east  
20      and draining north from the crest of the Silver City  
21      Range to the Snake River.  
22          (6) OWYHEE INITIATIVE AGREEMENT.—The  
23      term “Owyhee Initiative Agreement” means the  
24      agreement that provides for the implementation of a  
25      project for the promotion of ecological and economic

1 health within the County entered into by a coalition  
 2 of representatives of landowners, ranchers, environ-  
 3 mental organizations, County government, and  
 4 recreation groups appointed in the County by the  
 5 Board of County Commissioners, entitled “Owyhee  
 6 Initiative Agreement”, as amended on May 10,  
 7 2006.

8 (7) PLAN.—The term “Plan” means the Sho-  
 9 shone Paiute Tribal Cultural Resource Protection  
 10 Plan approved by the Tribes.

11 (8) SECRETARY.—The term “Secretary” means  
 12 the Secretary of the Interior.

13 (9) STATE.—The term “State” means the State  
 14 of Idaho.

15 (10) TRIBES.—The term “Tribes” means the  
 16 Shoshone-Paiute Tribes of the Duck Valley Indian  
 17 Reservation.

18 **SEC. 4. GENERAL PROVISIONS.**

19 (a) NO PRECEDENCE.—Nothing in this Act estab-  
 20 lishes a precedent with regard to any future legislation.

21 (b) NATIVE AMERICAN RECOGNITION AND USES.—  
 22 Nothing in this Act diminishes or otherwise affects—

23 (1) the trust responsibility of the United States  
 24 to Indian tribes and Indian individuals;

1           (2) the government-to-government relationship  
 2           between the United States and federally recognized  
 3           Indian tribes;

4           (3) the rights of any Indian tribe, including  
 5           rights of access to Federal land for tribal activities,  
 6           including spiritual, cultural, and traditional food-  
 7           gathering activities; or

8           (4) the sovereignty of any Indian tribe.

## 9           **TITLE I—OWYHEE INITIATIVE** 10           **AGREEMENT**

### 11   **SEC. 101. IMPLEMENTATION.**

12           (a) IN GENERAL.—The Secretary shall coordinate  
 13           with the Board and the County in implementing this Act  
 14           in accordance with applicable laws and regulations.

15           (b) EFFECT ON PUBLIC PARTICIPATION.—Nothing  
 16           in this Act diminishes or otherwise affects any applicable  
 17           law or regulation relating to public participation.

### 18   **SEC. 102. SCIENCE REVIEW PROGRAM.**

19           (a) IN GENERAL.—The Secretary shall coordinate  
 20           with the Board in the conduct of the science review proc-  
 21           ess as described in the Owyhee Initiative Agreement.

22           (b) MANAGEMENT ACTIONS.—Notwithstanding the  
 23           review process under this section, the Secretary shall pro-  
 24           ceed with management actions in a timely manner in ac-  
 25           cordance with applicable laws (including regulations).

1 **SEC. 103. CONSERVATION AND RESEARCH CENTER PRO-**  
 2 **GRAM.**

3 The Secretary shall coordinate with the Board with  
 4 respect to the conservation and research center program,  
 5 as described in the Owyhee Initiative Agreement.

6 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to the Sec-  
 8 retary to carry out this title \$20,000,000.

9 **TITLE II—WILDERNESS AND**  
 10 **WILD AND SCENIC RIVERS**

11 **SEC. 201. WILDERNESS DESIGNATION.**

12 (a) IN GENERAL.—In furtherance of the purposes of  
 13 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
 14 land in the State is designated as wilderness and as com-  
 15 ponents of the National Wilderness Preservation System:

16 (1) BIG JACKS CREEK WILDERNESS.—Certain  
 17 land comprising approximately 51,624 acres, as gen-  
 18 erally depicted on the map entitled “Big Jacks  
 19 Creek Wilderness” and dated September 1, 2006,  
 20 which shall be known as the “Big Jacks Creek Wil-  
 21 derness”.

22 (2) BRUNEAU-JARBIDGE RIVERS WILDER-  
 23 NESS.—Certain land comprising approximately  
 24 91,328 acres, as generally depicted on the map enti-  
 25 tled “Bruneau-Jarbridge Rivers Wilderness” and

1       dated September 1, 2006, which shall be known as  
2       the “Bruneau-Jarbridge Rivers Wilderness”.

3               (3) LITTLE JACKS CREEK WILDERNESS.—Cer-  
4       tain land comprising approximately 49,647 acres, as  
5       generally depicted on the map entitled “Little Jacks  
6       Creek Wilderness” and dated September 1, 2006,  
7       which shall be known as the “Little Jacks Creek  
8       Wilderness”.

9               (4) NORTH FORK OWYHEE WILDERNESS.—Cer-  
10      tain land comprising approximately 43,113 acres, as  
11      generally depicted on the map entitled “North Fork  
12      Owyhee Wilderness” and dated September 1, 2006,  
13      which shall be known as the “North Fork Owyhee  
14      Wilderness”.

15              (5) OWYHEE RIVER WILDERNESS.—Certain  
16      land comprising approximately 269,016 acres, as  
17      generally depicted on the map entitled “Owyhee  
18      River Wilderness” and dated September 1, 2006,  
19      which shall be known as the “Owyhee River Wilder-  
20      ness”.

21              (6) POLE CREEK WILDERNESS.—Certain land  
22      comprising approximately 12,468 acres, as generally  
23      depicted on the map entitled “Pole Creek Wilder-  
24      ness” and dated September 1, 2006, which shall be  
25      known as the “Pole Creek Wilderness”.



1 (b) RELEASE OF WILDERNESS STUDY AREAS.—

2 (1) FINDING.—Congress finds that, for the pur-  
3 poses of section 603 of the Federal Land Policy and  
4 Management Act of 1976 (43 U.S.C. 1782), the  
5 public land in the County administered by the Bu-  
6 reau in the following areas has been adequately  
7 studied for wilderness designation:

8 (A) The Sheep Creek East Wilderness  
9 Study Area.

10 (B) The Sheep Creek West Wilderness  
11 Study Area.

12 (C) The Squaw Creek Canyon Wilderness  
13 Study Area.

14 (D) The West Fork Red Canyon Wilder-  
15 ness Study Area.

16 (E) The Upper Deep Creek Wilderness  
17 Study Area.

18 (F) The Big Willow Springs Wilderness  
19 Study Area.

20 (G) The Middle Fork Owyhee River Wil-  
21 derness Study Area.

22 (H) Any portion of the wilderness study  
23 areas—

24 (i) not designated as wilderness by  
25 subsection (a); and

1 (ii) designated for release on the map  
2 dated September 1, 2006.

3 (2) RELEASE.—Any public land described in  
4 paragraph (1) that is not designated as wilderness  
5 by this subsection—

6 (A) is no longer subject to section 603(c)  
7 of the Federal Land Policy and Management  
8 Act of 1976 (43 U.S.C. 1782(c)); and

9 (B) shall be managed in accordance with  
10 land management plans adopted under section  
11 202 of that Act (43 U.S.C. 1712).

12 (c) MAPS AND LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—As soon as practicable after  
14 the date of enactment of this Act, the Secretary  
15 shall submit to the Committee on Energy and Nat-  
16 ural Resources of the Senate and the Committee on  
17 Resources of the House of Representatives a map  
18 and legal description for each area designated as wil-  
19 derness by this Act.

20 (2) EFFECT.—Each map and legal description  
21 submitted under paragraph (1) shall have the same  
22 force and effect as if included in this Act, except  
23 that the Secretary may correct any minor errors in  
24 such a map or legal description.

1           (3) AVAILABILITY OF MAPS.—The maps sub-  
 2       mitted under paragraph (1) shall be available for  
 3       public inspection in—

4                   (A) the offices of the Idaho State Director  
 5       of the Bureau; and

6                   (B) the offices of the Boise and Twin Falls  
 7       Districts of the Bureau.

8   **SEC. 202. DESIGNATION OF WILD AND SCENIC RIVERS.**

9       (a) STATEMENT OF INTENT.—The intent of wild,  
 10   scenic, and recreational river designations under this sub-  
 11   section is to resolve the wild, scenic, and recreational river  
 12   status of the segments within the County, as depicted on  
 13   the maps submitted under section 201(c).

14       (b) DESIGNATION.—Section 3(a) of the Wild and  
 15   Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

16           (1) by redesignating the last paragraph (relat-  
 17   ing to the White Salmon River, Washington) as  
 18   paragraph (167); and

19           (2) by adding at the end the following:

20                   “(168) BATTLE CREEK, IDAHO.—The 23.4  
 21   miles of Battle Creek in the State of Idaho from the  
 22   confluence of the Owyhee River to the upstream  
 23   boundary of the Owyhee River Wilderness, to be ad-  
 24   ministered by the Secretary of the Interior as a wild  
 25   river.

1           “(169) BIG JACKS CREEK, IDAHO.—The 35.0  
 2 miles of Big Jacks Creek in the State of Idaho from  
 3 the downstream border of the Big Jacks Creek Wil-  
 4 derness in sec. 8, T. 8 S., R. 4 E., to the point at  
 5 which it enters the NW<sup>1</sup>/<sub>4</sub> of sec. 26, T. 10 S., R.  
 6 2 E., Boise Meridian, Idaho, to be administered by  
 7 the Secretary of the Interior as a wild river.

8           “(170) BRUNEAU RIVER, IDAHO.—

9           “(A) IN GENERAL.—Except as provided in  
 10 subparagraph (B), the 39.3-mile segment of the  
 11 Bruneau River from the downstream boundary  
 12 of the Bruneau-Jarbridge Wilderness to the up-  
 13 stream confluence with the west fork of the  
 14 Bruneau River and the Jarbridge River, to be  
 15 administered by the Secretary of the Interior as  
 16 a wild river.

17           “(B) EXCEPTION.—Notwithstanding sub-  
 18 paragraph (A), the .6-mile segment of the  
 19 Bruneau River at the Indian Hot Springs pub-  
 20 lic road access shall be administered by the Sec-  
 21 retary of the Interior as a recreational river.

22           “(171) WEST FORK OF THE BRUNEAU RIVER,  
 23 IDAHO.—The 6.2 miles of the West Fork of the  
 24 Bruneau River in the State of Idaho from the con-  
 25 fluence with the Jarbridge River to the upstream

1 Bruneau-Jarbridge Rivers Wilderness border, to be  
 2 administered by the Secretary of the Interior as a  
 3 wild river.

4 “(172) CAMAS CREEK, IDAHO.—The 3.0 miles  
 5 of Camas Creek in the State of Idaho from the con-  
 6 fluence with Pole Creek to the east boundary of sec.  
 7 26, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be  
 8 administered by the Secretary of the Interior as a  
 9 scenic river.

10 “(173) COTTONWOOD CREEK, IDAHO.—The 2.6  
 11 miles of Cottonwood Creek in the State of Idaho  
 12 from the confluence with Big Jacks Creek to the up-  
 13 stream boundary of the Big Jacks Creek Wilderness,  
 14 to be administered by the Secretary of the Interior  
 15 as a wild river.

16 “(174) DEEP CREEK, IDAHO.—The following  
 17 segments of Deep Creek in the State of Idaho, to be  
 18 administered by the Secretary of the Interior:

19 “(A) The 13.1-mile segment of Deep Creek  
 20 from the confluence with the Owyhee River to  
 21 the upstream boundary of the Owyhee River  
 22 Wilderness in sec. 30, T. 12 S., R. 2 W., Boise  
 23 Meridian, Idaho, as a wild river.

24 “(B) The 26.4-mile segment of Deep Creek  
 25 from the boundary of Owyhee River Wilderness

1 in sec. 30, T. 12 S., R. 2 W., Boise Meridian,  
 2 Idaho, to the upstream crossing of Mud Flat  
 3 Road, as a scenic river.

4 “(175) DICKSHOOTER CREEK, IDAHO.—The  
 5 11.0 miles of Dickshooter Creek in the State of  
 6 Idaho from the confluence with Deep Creek to the  
 7 upstream boundary of the Owyhee River Wilderness,  
 8 to be administered by the Secretary of the Interior  
 9 as a wild river.

10 “(176) DUNCAN CREEK, IDAHO.—The following  
 11 segments of Duncan Creek in the State of Idaho, to  
 12 be administered by the Secretary of the Interior:

13 “(A) The 5.2-mile segment of Duncan  
 14 Creek from the eastern boundary of sec. 18, T.  
 15 10 S., R. 4 E., Boise Meridian, Idaho, up-  
 16 stream to the NW¼ of sec. 1, T. 11 S., R. 3  
 17 E., Boise Meridian, Idaho, as a scenic river.

18 “(B) The 0.9-mile segment of Duncan  
 19 Creek from the confluence with Big Jacks  
 20 Creek upstream to the beginning of the Duncan  
 21 Creek Scenic River segment, as a wild river.

22 “(177) JARBIDGE RIVER, IDAHO.—The 28.8  
 23 miles of the Jarbidge River in the State of Idaho  
 24 from the confluence with the West Fork Bruneau  
 25 River to the upstream boundary of the Bruneau-

1 Jarbidge Rivers Wilderness, to be administered by  
2 the Secretary of the Interior as a wild river.

3 “(178) LITTLE JACKS CREEK, IDAHO.—The  
4 13.2 miles of Little Jacks Creek in the State of  
5 Idaho from the downstream boundary of the Little  
6 Jacks Creek Wilderness, upstream to the NW<sup>1</sup>/<sub>4</sub> of  
7 sec. 27, T. 9 S., R. 2 E., Boise Meridian, Idaho, to  
8 be administered by the Secretary of the Interior as  
9 a wild river.

10 “(179) LITTLE OWYHEE, IDAHO.—The 11.0  
11 miles of the Little Owyhee in the State of Idaho  
12 from the confluence with the South Fork of the  
13 Owyhee River to the upstream boundary of the  
14 Owyhee River Wilderness, to be administered by the  
15 Secretary of the Interior as a wild river.

16 “(180) NORTH FORK OF THE OWYHEE RIVER,  
17 IDAHO.—The following segments of the North Fork  
18 of the Owyhee River in the State of Idaho, to be ad-  
19 ministered by the Secretary of the Interior:

20 “(A) The 5.7-mile segment of the North  
21 Fork of the Owyhee River from the Idaho-Or-  
22 egon State border to the Wild River segment of  
23 the North Fork of the Owyhee River, as a rec-  
24 reational river.

1           “(B) The 15.1-mile segment of the North  
 2           Fork of the Owyhee River from the western/  
 3           downstream boundary of the North Fork  
 4           Owyhee River Wilderness to the northern/up-  
 5           stream boundary of the North Fork Owyhee  
 6           River Wilderness, as a wild river.

7           “(181) OX PRONG, IDAHO.—The 1.3 miles of  
 8           the Ox Prong in the State of Idaho from the con-  
 9           fluence with Little Jacks Creek to the upstream  
 10          boundary of the Little Jacks Creek Wilderness, to be  
 11          administered by the Secretary of the Interior as a  
 12          wild river.

13          “(182) OWYHEE RIVER, IDAHO.—The 67.3  
 14          miles of the Owyhee River in the State of Idaho  
 15          from the Idaho-Oregon State border to the upstream  
 16          boundary of the Owyhee River Wilderness, to be ad-  
 17          ministered by the Secretary of the Interior as a wild  
 18          river, subject to the conditions that—

19                 “(A) motorized access shall be permitted  
 20                 at Crutchers Crossing; and

21                 “(B) any crossing shall remain  
 22                 unconstructed.

23          “(183) POLE CREEK, IDAHO.—The 14.3 miles  
 24          of Pole Creek in the State of Idaho from the con-  
 25          fluence with Deep Creek upstream to the south



1 boundary of sec. 16, T. 10 S., R. 2 W., Boise Merid-  
 2 ian, Idaho, to be administered by the Secretary of  
 3 the Interior as a scenic river.

4 “(184) RED CANYON, IDAHO.—The 4.6 miles of  
 5 Red Canyon in the State of Idaho from the con-  
 6 fluence of the Owyhee River to the upstream bound-  
 7 ary of the Owyhee River Wilderness, to be adminis-  
 8 tered by the Secretary of the Interior as a wild river.

9 “(185) SHEEP CREEK, IDAHO.—The 25.6 miles  
 10 of Sheep Creek in the State of Idaho from the con-  
 11 fluence with the Bruneau River to the upstream  
 12 boundary of the Bruneau-Jarbridge Rivers Wilder-  
 13 ness, to be administered by the Secretary of the In-  
 14 terior as a wild river.

15 “(186) SOUTH FORK OF THE OWYHEE RIVER,  
 16 IDAHO.—

17 “(A) IN GENERAL.—Except as provided in  
 18 subparagraph (B), the 31.4-mile segment of the  
 19 South Fork of the Owyhee River from the con-  
 20 fluence with the Owyhee River to the upstream  
 21 boundary of the Owyhee River Wilderness at  
 22 the Idaho-Nevada State border shall be admin-  
 23 istered by the Secretary of the Interior as a  
 24 wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River across the private lands in secs. 25 and 36, T. 14 S., R. 5 W., Boise Meridian, Idaho, shall be administered by the Secretary of the Interior as a recreational river.

“(187) WICKAHONEY, IDAHO.—The 1.5 miles of Wickahoney Creek in the State of Idaho from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.”.

(c) EXTENT OF BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the wild and scenic river corridor for a river designated as a wild and scenic river by any of paragraphs (168) through (187) of section 3(a) of that Act (16 U.S.C. 1274(a)) (as added by subsection (b)) shall be the ordinary high water mark.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on

1 Resources of the House of Representatives the map  
2 and legal description of each segment of a river des-  
3 ignated as a wild and scenic river under this section  
4 or an amendment made by this section.

5 (2) EFFECT.—Each map and legal description  
6 submitted under paragraph (1) shall have the same  
7 force and effect as if included in this Act, except  
8 that the Secretary may correct any minor errors in  
9 the maps and legal descriptions.

10 (3) AVAILABILITY OF MAPS.—The maps sub-  
11 mitted under paragraph (1) shall be available for  
12 public inspection in—

13 (A) the offices of the Idaho State Director  
14 of the Bureau; and

15 (B) the offices of the Boise and Twin Falls  
16 districts of the Bureau.

17 (e) WATER RIGHTS.—Water Rights relating to a seg-  
18 ment of a river designated as a wild and scenic river under  
19 any of paragraphs (168) through (187) of section 3(a) of  
20 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
21 added by subsection (b)) shall be reserved in accordance  
22 with—

23 (1) the provisions of that Act (16 U.S.C. 1271  
24 et seq.);

25 (2) the laws and regulations of the State; and

1 (3) the Owyhee Initiative Agreement.

2 **SEC. 203. ADMINISTRATION OF WILDERNESS AND WILD**  
3 **AND SCENIC RIVERS.**

4 (a) MANAGEMENT.—Subject to valid existing rights,  
5 each area designated as wilderness by section 201 shall  
6 be administered by the Secretary in accordance with the  
7 Wilderness Act (16 U.S.C. 1131 et seq.), except that—

8 (1) any reference in that Act to the effective  
9 date shall be considered to be a reference to the date  
10 of enactment of this Act; and

11 (2) any reference in that Act to the Secretary  
12 of Agriculture shall be considered to be a reference  
13 to the Secretary of the Interior with respect to land  
14 administered by the Secretary of the Interior.

15 (b) INVENTORY.—In accordance with the Owyhee Ini-  
16 tiative Agreement, not later than 1 year after the date  
17 on which a wilderness is designated under section 201, the  
18 Bureau shall conduct an inventory of wilderness grazing  
19 management facilities and activities in the wilderness.

20 (c) LIVESTOCK.—In the wilderness areas designated  
21 by section 201 that are administered by the Bureau, the  
22 grazing of livestock in areas in which grazing is estab-  
23 lished as of the date of enactment of this Act shall be  
24 allowed to continue, subject to such reasonable regula-  
25 tions, policies, and practices as the Secretary considers

1 necessary, consistent with section 4(d)(4) of the Wilder-  
2 ness Act (16 U.S.C. 1133(d)(4)) and the guidelines de-  
3 scribed in Appendix A of House Report 101–405.

4 (d) RECREATIONAL SADDLE AND PACK STOCK.—  
5 Nothing in this Act precludes horseback riding or the use  
6 of recreational saddle or pack stock in any wilderness des-  
7 ignated by section 201.

8 (e) OUTFITTING AND GUIDING ACTIVITIES.—

9 (1) In general.—Consistent with section 4(d)(6)  
10 of the Wilderness Act (16 U.S.C. 1133(d)(6)) and  
11 subject to any regulations that the Secretary deter-  
12 mines to be necessary, the Secretary shall permit the  
13 continuation of outfitting and guiding activities in  
14 any wilderness designated by section 201.

15 (2) Effect of designation.—Designation of an  
16 area as wilderness areas under section 201 shall not  
17 require the Secretary to limit the conduct of outfit-  
18 ting activities or the use of the system of reserved  
19 camps and allocated river launches designated for  
20 use by members of the public that use outfitter serv-  
21 ices that are in existence before the date of enact-  
22 ment of this Act.

23 (f) ACCESS TO NON-FEDERAL LAND.—Nothing in  
24 this Act denies an owner of non-Federal land the right  
25 to access the land.

1 (g) ROADS ADJACENT TO WILDERNESS.—With re-  
2 spect to any road adjacent to a wilderness designated by  
3 section 201 (as depicted on the applicable map), the  
4 boundary of the wilderness shall be—

5 (1) 100 feet from the center line for a primary  
6 road;

7 (2) 50 feet from the center line for a primitive  
8 wilderness boundary road; and

9 (3) 30 feet on either side of the center line for  
10 an interior wilderness division or cherrystem road.

11 (h) WILDLIFE MANAGEMENT.—

12 (1) IN GENERAL.—In accordance with section  
13 4(d)(7) of the Wilderness Act (16 U.S.C.  
14 1133(d)(7)), nothing in this title affects or dimin-  
15 ishes the jurisdiction of the State with respect to  
16 fish and wildlife management, including the regula-  
17 tion of hunting, fishing, and trapping in any wilder-  
18 ness designated by section 201.

19 (2) MANAGEMENT ACTIVITIES.—

20 (A) IN GENERAL.—In furtherance of the  
21 purposes and principles of the Wilderness Act  
22 (16 U.S.C. 1131 et seq.), management activities  
23 to maintain or restore fish and wildlife popu-  
24 lations and the habitats necessary to support  
25 such populations may be carried out in any wil-

1           derness designated by section 201, if the man-  
2           agement activities are—

3                   (i) consistent with relevant wilderness  
4                   management plans; and

5                   (ii) conducted in accordance with ap-  
6                   propriate policies, such as the policies es-  
7                   tablished in Appendix B of House Report  
8                   101–405.

9           (B) INCLUSIONS.—Management activities  
10          under subparagraph (A) may include the occa-  
11          sional and temporary use of motorized vehicles,  
12          if the use, as determined by the Secretary,  
13          would promote healthy, viable, and more natu-  
14          rally distributed wildlife populations that would  
15          enhance wilderness values while causing the  
16          minimum impact necessary to accomplish the  
17          promotion of such outcomes.

18          (3) EXISTING ACTIVITIES.—Consistent with  
19          section 4(d)(1) of the Wilderness Act (16 U.S.C.  
20          1133(d)(1)) and in accordance with appropriate poli-  
21          cies, such as those established in Appendix B of  
22          House Report 101–405, the State may continue to  
23          use aircraft (including helicopters) in the wilderness  
24          areas designated by section 201 to survey, capture,  
25          transplant, monitor, and provide water for wildlife

1 populations, including bighorn sheep and feral stock,  
2 horses, and burros.

3 (i) WILDFIRE MANAGEMENT.—Consistent with sec-  
4 tion 4 of the Wilderness Act (16 U.S.C. 1133), nothing  
5 in this title precludes a Federal, State, or local agency  
6 from conducting wildfire management operations (includ-  
7 ing operations using aircraft or mechanized equipment) to  
8 manage wildfires in any wilderness designated by section  
9 201.

10 (j) INCORPORATION OF ACQUIRED LAND AND INTER-  
11 ESTS.—Any land or interest within the perimeter of, or  
12 adjacent to, an area designated as a wilderness by section  
13 201 or any land or interest described in section 204 that  
14 is acquired by the United States after the date of enact-  
15 ment of this Act shall be added to and administered as  
16 part of the wilderness within which the acquired land or  
17 interest is located.

18 (k) ADJACENT MANAGEMENT.—

19 (1) IN GENERAL.—The designation of a wilder-  
20 ness by section 201 shall not create any protective  
21 perimeters or buffer zones around the wilderness.

22 (2) NONWILDERNESS ACTIVITIES.—The fact  
23 that nonwilderness activities or uses can be seen or  
24 heard from areas within a wilderness or wild and  
25 scenic river designated under this section shall not



1 preclude the conduct of those activities or uses out-  
2 side the boundary of the wilderness or wild and sce-  
3 nic river.

4 (l) MILITARY OVERFLIGHTS.—Nothing in this sec-  
5 tion restricts or precludes—

6 (1) low-level overflights and operations of mili-  
7 tary aircraft, helicopters, missiles, or unmanned aer-  
8 ial vehicles over the areas designated as a wilderness  
9 by section 201, including military overflights that  
10 can be seen or heard within the wilderness or wild  
11 and scenic river areas;

12 (2) flight testing and evaluation;

13 (3) the designation or creation of new units of  
14 special use airspace, the expansion of units of special  
15 use airspace in existence on the date of enactment  
16 of this Act, or the use or establishment of military  
17 flight training routes over the wilderness or wild and  
18 scenic river areas; or

19 (4) emergency access and response.

20 (m) WATER RIGHTS.—In accordance with section  
21 4(d)(6) of the Wilderness Act (16 U.S.C. 1133(d)(6)),  
22 nothing in this Act provides an express or implied claim  
23 or denial of the Federal Government with respect to any  
24 exemption from water laws of the State.

1 **SEC. 204. LAND EXCHANGES AND ACQUISITIONS AND GRAZ-**  
2 **ING PREFERENCES.**

3 (a) EXCHANGES AND ACQUISITIONS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the consolidation of land ownership  
6 would facilitate sound and efficient manage-  
7 ment for public and private land and serve im-  
8 portant public objectives, including—

9 (i) the enhancement of public access,  
10 aesthetics, and recreational opportunities  
11 within and adjacent to designated wilder-  
12 ness and wild and scenic river areas; and

13 (ii) the protection and enhancement of  
14 wildlife habitat, including sensitive species;

15 (B) time is of the essence in completing  
16 appropriate land exchanges because further  
17 delays may force landowners to construct roads  
18 in, develop, or sell private land inholdings, and  
19 diminish the public values for which the private  
20 land is to be acquired; and

21 (C) it is in the public interest to complete  
22 the land exchanges at the earliest practicable  
23 date so that the land acquired by the United  
24 States can be preserved for protection of wilder-  
25 ness character, wildlife habitat, and permanent  
26 public use and enjoyment.

1           (2) AUTHORIZATION.—The Secretary may ac-  
2       quire, by purchase or other exchange, any land or  
3       interest offered by an owner under paragraph (3),  
4       subject to the conditions described in paragraph (4).

5           (3) OFFERS TO CONVEY.—

6               (A) IN GENERAL.—An owner of land or an  
7       interest identified under the document entitled  
8       “Land Exchanges and Acquisitions” and dated  
9       September 1, 2006, may offer to convey the  
10      land or interest to the Secretary by purchase or  
11      exchange if the owner has submitted to the Sec-  
12      retary, on or before the date of enactment of  
13      this Act—

14                   (i) a written notice of the intent to ex-  
15                   change or sell the land or interest;

16                   (ii) an identification of each parcel of  
17                   land and each interest to be exchanged or  
18                   sold;

19                   (iii) a description of the value of each  
20                   parcel of land and each interest as de-  
21                   scribed in that document; and

22                   (iv) in the case of an exchange, a de-  
23                   scription of the Federal land sought for  
24                   the exchange.

25           (B) CONVEYANCE BY SALE.—

1 (i) IN GENERAL.—Subject to the  
 2 availability of funds, the Secretary shall  
 3 acquire any land or interests offered for  
 4 purchase under subparagraph (A) as soon  
 5 as practicable after the date of enactment  
 6 of this Act.

7 (ii) ELECTION TO RECEIVE CASH.—If  
 8 an owner makes an election under sub-  
 9 paragraph (C)(iii)(II), the Secretary shall  
 10 acquire by sale the land or interest of the  
 11 owner as soon as practicable after the date  
 12 on which the Secretary receives a notice of  
 13 the election of the owner.

14 (C) CONVEYANCE BY DIRECT EX-  
 15 CHANGE.—

16 (i) IN GENERAL.—On the election of  
 17 an owner that has submitted an appro-  
 18 priate notice under subparagraph (A)(i),  
 19 the Secretary may acquire land or property  
 20 interests identified as eligible for exchange  
 21 in the document entitled “Land Exchanges  
 22 and Acquisitions” and dated September 1,  
 23 2006, in exchange for Federal land that  
 24 is—

1 (I) of equal value to the land or  
 2 property interests, as determined by  
 3 appraisals of the applicable Federal  
 4 land, with or without development  
 5 rights;

6 (II) located in the County; and

7 (III) described in the document  
 8 referred to in subparagraph (A).

9 (ii) ACTION BY SECRETARY.—Not  
 10 later than 60 days after the date on which  
 11 the appraisals of applicable land are com-  
 12 pleted, the Secretary shall offer to enter  
 13 into an exchange under this subparagraph  
 14 with each appropriate owner of land or a  
 15 property interest offered for exchange  
 16 under subparagraph (A).

17 (iii) DECISIONS BY OWNERS.—Not  
 18 later than 60 days after the date on which  
 19 the appraisals of applicable land are com-  
 20 pleted, an owner of land or a property in-  
 21 terest subject to an exchange under this  
 22 subparagraph may elect—

23 (I) to waive any applicable devel-  
 24 opment right relating to the Federal  
 25 land to be exchanged, subject to the

1 adjustment of the exchange to achieve  
2 like values;

3 (II) to receive cash in lieu of  
4 Federal land for all or any portion of  
5 the land or property interest to be ex-  
6 changed; or

7 (III) to withdraw from participa-  
8 tion in any exchange program.

9 (iv) APPLICABILITY OF OTHER LAW.—

10 Except as otherwise provided in this sec-  
11 tion, each exchange of Federal land under  
12 this section shall be subject to laws (in-  
13 cluding regulations) applicable to the con-  
14 veyance and acquisition of land under the  
15 jurisdiction of the Bureau of Land Man-  
16 agement.

17 (D) FACILITATED LAND EXCHANGES.—

18 (i) IN GENERAL.—Not later than 30  
19 days after the date of enactment of this  
20 Act, the Secretary shall offer to enter into  
21 a facilitated land exchange in accordance  
22 with subparagraph (A) and conducted  
23 through a land exchange facilitator to be  
24 designated by the Board.

25 (ii) EXCHANGE OFFER.—

1 (I) IN GENERAL.—Not later than  
 2 60 days after the date on which the  
 3 appraisals of applicable land are com-  
 4 pleted, the land exchange facilitator  
 5 shall submit to the Secretary an offer  
 6 to exchange private land for Federal  
 7 land in the County.

8 (II) REQUIREMENT.—An offer to  
 9 exchange under subclause (I) shall  
 10 demonstrate that the appraised value  
 11 of the private land is equal or ap-  
 12 proximately equal to the appraised  
 13 value, with or without development  
 14 rights, of the Federal land offered for  
 15 exchange.

16 (4) CONDITIONS.—

17 (A) TITLE.—Title to any private land con-  
 18 veyed under this subsection shall—

19 (i) be acceptable to the Secretary; and  
 20 (ii) conform with title approval stand-  
 21 ards applicable to Federal land acquisi-  
 22 tions.

23 (B) VALID EXISTING RIGHTS.—Convey-  
 24 ances under this subsection shall be subject to  
 25 valid existing rights of record.

1           (5) EFFECT OF SUBSECTION.—Nothing in this  
2 subsection—

3           (A) creates any compensable property right  
4 or title with respect to grazing preferences; or

5           (B) affects any public access route on Fed-  
6 eral land exchanged under this subsection.

7       (b) GRAZING PREFERENCES.—

8           (1) IN GENERAL.—A holder of a valid grazing  
9 preference with respect to all or a portion of any  
10 Federal land designated by this Act as a wilderness  
11 may voluntarily offer to the Secretary for sale or do-  
12 nation all or any portion of the grazing preference.

13          (2) NOTICE.—To offer a grazing preference for  
14 sale or donation under paragraph (1), the holder of  
15 the grazing preference shall submit to the Secretary  
16 a written notice of the intent of the holder, includ-  
17 ing—

18           (A) a description of the Federal land to  
19 which the grazing preference applies; and

20           (B) the date on which the holder will relin-  
21 quish use of the grazing preference, which shall  
22 be not later than 1 year after the date on which  
23 the notice is submitted.

24          (3) CONSIDERATION.—The Secretary shall pro-  
25 vide to a holder that offers a grazing preference for



1 sale under paragraph (1) consideration in accord-  
 2 ance with the schedule of payments described in the  
 3 document described in subsection (a)(3)(A).

4 (4) CANCELLATION AND RETIREMENT OF LIVE-  
 5 STOCK GRAZING.—Beginning on the date identified  
 6 under paragraph (2)(B)—

7 (A) the applicable grazing preference shall  
 8 be canceled; and

9 (B) the associated livestock grazing shall  
 10 be permanently retired.

11 (5) FENCING.—The Secretary shall install and  
 12 maintain any fencing and other structures required  
 13 to prevent grazing use of any Federal land on which  
 14 a grazing preference has been voluntarily sold or do-  
 15 nated under this subsection.

16 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Bu-  
 18 reau such sums as are necessary to carry out this title.

19 **TITLE III—TRANSPORTATION**  
 20 **AND RECREATION MANAGE-**  
 21 **MENT**

22 **SEC. 301. TRANSPORTATION PLANS.**

23 (a) IN GENERAL.—The Bureau shall develop and im-  
 24 plement transportation plans for land managed by the Bu-  
 25 reau outside of wilderness areas in the County.

1       (b) CONSULTATION AND COORDINATION.—The  
2 transportation plans and cooperative agreements shall be  
3 developed in consultation and coordination with appro-  
4 priate Federal Government entities, tribal government en-  
5 tities, and State and local government entities consistent  
6 with—

7           (1) the Federal Land Policy and Management  
8 Act of 1976 (43 U.S.C. 1701 et seq.);

9           (2) the National Environmental Policy Act of  
10 1969 (42 U.S.C. 4321 et seq.); and

11          (3) any other applicable laws.

12       (c) INCLUSIONS.—The Bureau shall ensure that all  
13 areas of the County managed by the Bureau, including  
14 areas that are remote and rarely used for motorized recre-  
15 ation, are included and in transportation plans developed  
16 under subsection (a) to—

17           (1) provide for management of anticipated  
18 growth in recreational use of the land; and

19           (2) develop a system to provide a wide range of  
20 recreational opportunities and experiences for all  
21 users.

22       (d) LIMITATION.—Transportation plans under sub-  
23 section (a) shall not affect the status of any road adjacent  
24 to any wilderness (as depicted on the applicable map).

25       (e) SYSTEM OF ROUTES.—

1           (1) IN GENERAL.—Each transportation plan  
2       under subsection (a) shall—

3           (A) establish a system of designated roads  
4       and trails;

5           (B) include a multiple use recreational  
6       trail system, that provides a wide range of rec-  
7       reational opportunities and experiences for all  
8       users while protecting natural and cultural re-  
9       sources;

10          (C) limit the use of motorized and mecha-  
11       nized vehicles to designated roads and trails;

12          (D) address use of snow vehicles on roads,  
13       trails, and areas designated for such use;

14          (E) be based on resource and route inven-  
15       tories;

16          (F) include designation of routes and route  
17       systems that are open or closed; and

18          (G) include provisions relating to, with re-  
19       spect to the applicable land—

20               (i) trail construction and reconstruc-  
21       tion;

22               (ii) road and trail closure;

23               (iii) seasonal closures or restrictions;

24               (iv) restoration of disturbed areas;

25               (v) monitoring;

- 1 (vi) maintenance;
- 2 (vii) maps;
- 3 (viii) signs;
- 4 (ix) education; and
- 5 (x) enforcement.

6 (2) TEMPORARY LIMITATION.—

7 (A) IN GENERAL.—Except as provided in  
8 subparagraph (B), until the date on which the  
9 Bureau completes transportation planning, all  
10 recreational motorized and mechanized off-high-  
11 way vehicle use shall be limited to roads and  
12 trails in existence on the day before the date of  
13 enactment of this Act.

14 (B) EXCEPTIONS.—

15 (i) IN GENERAL.—Subparagraph (A)  
16 shall not apply to areas specifically identi-  
17 fied as open, closed, or limited under the  
18 Owyhee resource management plan.

19 (ii) HEMMINGWAY BUTTE AREA.—  
20 Notwithstanding subparagraph (A), the  
21 Bureau may take into consideration main-  
22 taining the Hemmingway Butte area as  
23 open to cross-country travel.

24 (f) SCHEDULE.—

1           (1) OWYHEE FRONT.—Not later than 1 year  
2       after the date of enactment of this Act, the Bureau  
3       shall complete a transportation plan for the Owyhee  
4       Front.

5           (2) OTHER FEDERAL LANDS IN THE COUNTY.—  
6       Not later than 3 years after the date of enactment  
7       of this Act, the Bureau shall complete a transpor-  
8       tation plan for Federal land in the County outside  
9       the Owyhee Front.

10 **SEC. 302. AUTHORITY.**

11       Transportation and travel management under this  
12       title shall not affect the authority of the Bureau to man-  
13       age or regulate off-highway vehicle use under title 43,  
14       Code of Federal Regulations (as in effect on September  
15       25, 2005).

16 **SEC. 303. COOPERATIVE AGREEMENTS.**

17       (a) IN GENERAL.—As soon as practicable, after the  
18       date of enactment of this Act, the Bureau shall offer to  
19       enter into cooperative agreements with the County—

20           (1) to establish a cooperative search and rescue  
21       program; and

22           (2) to implement and enforce the transportation  
23       plans described in this section.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to the Bureau such  
 3 sums as are necessary—

4 (1) to carry out search and rescue operations in  
 5 the County; and

6 (2) to develop, implement, and enforce off-high-  
 7 way motor vehicle transportation plans under this  
 8 section.

9 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Bu-  
 11 reau such sums as are necessary to accelerate completion  
 12 and implementation by the Bureau of the transportation  
 13 plan for the Owyhee Front and subsequent transportation  
 14 plans for the remainder of the County.

15 **TITLE IV—CULTURAL**  
 16 **RESOURCES**

17 **SEC. 401. FINDINGS.**

18 Congress finds that—

19 (1) the County is rich in history and culture  
 20 going back thousands of years;

21 (2) the cultural and historical resources impor-  
 22 tant to the people and ancestors of the Tribes must  
 23 be protected against abuse and desecration, whether  
 24 intentional or unintentional;

25 (3) there are opportunities—

1 (A) to increase knowledge of cultural re-  
2 sources;

3 (B) to monitor influences from outside  
4 forces; and

5 (C) to improve the inspection and super-  
6 vision of major cultural sites;

7 (4) inventory and monitoring programs that  
8 identify and document cultural sites and the condi-  
9 tion of those sites over time would—

10 (A) assist in ensuring the preservation of  
11 the sites; and

12 (B) help to focus resources—

13 (i) to ensure compliance with prohibi-  
14 tions against destruction and or removal of  
15 cultural items; and

16 (ii) to prevent inadvertent negative  
17 impacts;

18 (5) the Owyhee Initiative Agreement will—

19 (A) support a broad range of measures to  
20 protect cultural sites and resources important  
21 to the continuation of the traditions and beliefs  
22 of the Tribes; and

23 (B) provide for the implementation of the  
24 Plan; and

25 (6) the implementation of the Plan should—

1 (A) be consistent with the Indian Self-De-  
 2 termination and Education Assistance Act (25  
 3 U.S.C. 450 et seq.); and

4 (B) recognize that—

5 (i) the right of Indians to self-govern-  
 6 ment results from the inherent sovereignty  
 7 of Indian tribes; and

8 (ii) the United States—

9 (I) has a special and unique legal  
 10 and political relationship with feder-  
 11 ally recognized Indian tribes; and

12 (II) is obligated to develop a gov-  
 13 ernment-to-government relationship  
 14 with Indian tribes under the Constitu-  
 15 tion, treaties, Federal law, and the  
 16 course of dealings with Indian tribes.

17 **SEC. 402. IMPLEMENTATION.**

18 The Tribes shall implement the Plan.

19 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Tribes  
 21 to carry out this title—

22 (1) \$900,000 for fiscal year 2007; and

23 (2) \$900,000 for each of fiscal years 2008  
 24 through 2011.

○